



Setti D. Warren
Mayor

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Candace Havens
Director

MEMORANDUM

Public Hearing Date: May 10, 2011
Land Use Action Date: July 19, 2011
Board of Aldermen Action Date: August 1, 2011
90-Day Expiration Date: August 7, 2011

DATE: May 6, 2011

TO: Board of Aldermen

FROM: Candace Havens, Acting Director of Planning and Development
Eve Tapper, Chief Planner for Current Planning ET
Alexandra Ananth, Senior Planner

SUBJECT: **Petition #105-11, SARAH F. BROWN** petition for a SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE to construct an addition containing approximately 17 sq. ft. into the side and rear setbacks, to increase the Floor Area Ratio from .55. to .61, and to increase the nonconforming maximum lot coverage from 40.1% to 42.1% at **30 SCHOOL STREET**, Ward 1, Newton Corner, on land known as SBL 11, 25, 32, containing approx. 1,671 sq. ft. of land in a district zoned MULTI RESIDENCE 2. Ref: Sec 30-24, 30-23, 30-21(b), 30-15(t)(1) and (3) of the City of Newton Rev Zoning Ord, 2007.

CC: Mayor Setti D. Warren

The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information presented at or after the public hearing that the Land Use Committee of the Board of Aldermen will want to consider in its discussion at a subsequent Working Session.



EXECUTIVE SUMMARY

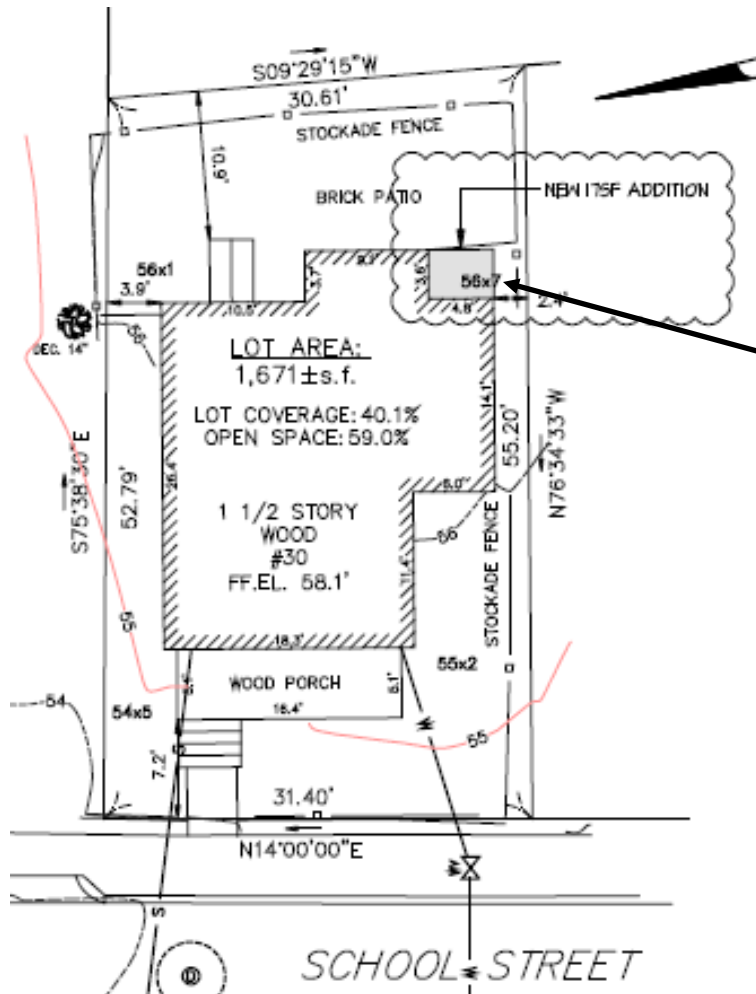
The petitioners are proposing modest renovations to their property located at 30 School Street, on a very small lot consisting of 1,671 square feet, in order to increase the usable living space. The existing structure is a 1.5-story house of approximately 915 square feet. The petitioner is proposing to add a 17 square foot addition to the southeast corner of the structure which would square off an already nonconforming side and rear setback. The petitioner is also proposing to add a second-story gable over the one-story study below, which would further extend the existing nonconforming side setback up to the second floor. To construct these two additions as proposed the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).

The petitioner is also proposing to construct dormers along both the north and south sides of the house with the southern dormer wrapping around onto the new second story gable addition, in order to add needed headroom to this floor. Although the Zoning Memorandum notes the petitioner must seek relief for these dormers the dormer restrictions apply only to dormers *above* the second story (or to accessory structures) and such relief is not necessary as these dormers are on the second story.

Due to the small size of the lot the existing structure has a Floor Area Ratio (FAR) of .55 where .4 is allowed. Although the proposed additions would only modestly increase the size of the house from 915 square feet to 1,026 square feet, the additions increase the FAR to .61, for which the petitioner must obtain a special permit per Section 30-21(b).

Finally, the existing site has a lot coverage ratio of 40.1% where 30% is allowed. The proposed additions would extend this nonconformity increasing the lot coverage to 41.1% for which the petitioner must obtain a special permit per Section 30-21(b).

The *2007 Newton Comprehensive Plan* encourages preservation of existing residential neighborhoods and encourages modestly-sized additions to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. Although the proposed additions will extend the already nonconforming side and rear setbacks, and exceed the FAR and lot coverage requirements, the additions have been designed in keeping with the style of the house, will not overwhelm the lot as viewed from the street, and will help preserve this small workers cottage by making it more livable.



*Proposed site plan showing
footprint addition*

I. SIGNIFICANT ISSUES FOR CONSIDERATION

When considering this request, the Board should consider whether the extension of this nonconforming structure into the side and rear setbacks, and the increase in FAR and lot coverage will be substantially more detrimental to the neighborhood than the existing structure.

II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

A. Neighborhood and Zoning

The property is located on the east side of School Street, at the intersection of Gardner Street in Newton Corner. It is located within a Multi-Residence 2 District where older one- and two-family residences on moderately-sized lots characterize the neighborhood. The majority of residences were built between 1850 and 1900, and lot sizes average 2,500 square feet.

B. Site

The 1,671 square foot site is currently improved with a modest single-family house. Parking for the subject property as well as neighboring houses occurs where Gardner Street dead-ends, adjacent to the subject property.

III. PROJECT DESCRIPTION AND ANALYSIS

A. Land Use

No changes to the use of the single-family residence are proposed.

B. Building and Site Design

The existing house is a clapboard, front-gabled, worker's cottage with a porch that was probably added some time after the house was built. The house has a footprint of approximately 525 square feet with an additional 400 square feet on the second floor which is constructed within the roof. The sloped ceilings of the second floor significantly restrict the usable area and headroom on this floor which is accessed via a very steep staircase. Currently there is a single bathroom located on the first floor.

The petitioner is proposing to square off the first floor in the rear with a 17 square foot addition. The addition of a new second floor gable addition to be built on top of an existing flat roofed addition will help add a needed bathroom to the second floor. New shed dormers on both the north and south sides of the main roof will also add more usable area on the second floor. The proposed additions appear to be in keeping with the house. Materials will be clapboard with an asphalt tab roof.

The house with proposed additions would increase the FAR from .55 to .61 where .4 is allowed. The proposed addition will make this structure in keeping with the neighborhood average FAR of .60 and the size of the structure should still appear consistent with the size and scale of other residences in the neighborhood particularly as viewed from the street (*SEE ATTACHMENT "A"*).

The Planning Department notes that the new FAR rules that will go into effect October 15, 2011 allow for a maximum FAR of .58 for Multi-Residence 2 lots of less than or equal to 4,999 square feet. Although this is a significant increase of the currently allowed FAR of .4, the petitioner would still need a special permit under the new FAR rules.

C. Parking and Circulation

The petitioners are not proposing any changes to parking or circulation on-site.

D. Landscape Screening

The petitioners are not proposing any additional landscaping as part of this special permit.

IV. TECHNICAL REVIEW

- A. Technical Considerations. The Zoning Review Memorandum, dated April 1, 2011 (*SEE ATTACHMENT "B"*), provides an analysis of the proposal with regards to zoning. The existing house is a lawfully nonconforming structure with regard to lot size, frontage, setbacks, FAR, and lot coverage. Special permits are required to allow for the extension of a nonconforming structure in the side and rear setbacks, to allow for an increase in the already nonconforming FAR from .55 to .61 where .4 is currently allowed, and to allow for an increase in nonconforming lot coverage.

Although the Zoning Memorandum notes the petitioner must also seek special permits to allow for dormers as proposed, it has come to the Planning Department's attention that these rules apply to dormers above the second story and therefore the petitioner does not need to seek this relief.

- B. Newton Historical Commission Demolition Review. The Commission waived the demolition delay of the roof of the existing house on February 25, 2011, based on submitted plans.
- C. Engineering Division Review. The Associate City Engineer reviewed this project and has no issues with this filing (*SEE ATTACHMENT "C"*).

V. ZONING RELIEFS SOUGHT

Based on the completed Zoning Review Memorandum the petitioners are seeking approval through or relief from:

- Section 30-21(b), for the extension of a nonconforming structure in the side and rear setbacks, for an increase in FAR, and for an increase in nonconforming lot coverage
- Section 30-23, for site plan approval
- Section 30-24, for approval of special permits

VI. PETITIONERS' RESPONSIBILITIES

The petition is considered complete at this time.

ATTACHMENTS

- ATTACHMENT A:** NEIGHBORHOOD FAR COMPARISON CHART
ATTACHMENT B: ZONING REVIEW MEMORANDUM DATED APRIL 1, 2011
ATTACHMENT C: ENGINEERING DIVISION MEMORANDUM DATED APRIL 28, 2011
ATTACHMENT D: ZONING MAP
ATTACHMENT E: LAND USE MAP
ATTACHMENT F: NEIGHBORHOOD FAR COMPARISON MAP
ATTACHMENT G: DRAFT BOARD ORDER

Neighborhood FAR Comparison Chart (Prepared by Planning Department based on information obtained from the Assessor's Database)

<u>Address</u>	<u>Lot Size</u>	<u># Units</u>	<u>Lot Area Per Unit</u>	<u>Approx. Sq. Ft.</u>	<u>Approx. FAR</u>
24 School Street	1,200	1	1,200	780	(0.65)
27 School Street	3,242	1	3,242	1,518	(0.47)
28 School Street	2,000	2	1,000	1,394	(0.70)
29-31 School Street	2,276	1	2,276	1,628	(0.72)
30 School St	1,671	1	1,671	915	(0.55)
30 School St Rear	965	1	965	992	(1.03)
32 School St	3,502	1	3,502	1,164	(0.33)
33 School Street	3,152	1	3,152	1,315	(0.42)
34 School St	6,126	4	1,532	1,242	(0.20)
39 School Street	1,715	1	1,715	1,304	(0.76)
43 School Street	2,013	2	1,007	1,472	(0.73)
Average	2,533		1,933	1,248	(0.60)
30 School Street Proposed	1,671	1	1,671	1,026	0.61



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Attachment "B"

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Candace Havens
Director

ZONING REVIEW MEMORANDUM

Date: April 1, 2011

To: John Lojek, Commissioner of Inspectional Services

Fr: Seth Zeren, Chief Zoning Code Official
Eve Tapper, Chief Planner for Current Planning^{ET}

Cc: Sarah F. Brown, Property owner
Candace Havens, Director of Planning and Development
Ouida Young, Associate City Solicitor

RE: Request to allow an extension of a nonconforming structure, add new dormers, and increase the nonconforming FAR

Applicant: Sarah F. Brown	
Site: 30 School Street	SBL: 11025 0032
Zoning: MR2	Lot Area: 1,671 square feet
Current use: Single-family dwelling	Proposed use: Single-family dwelling

Background:

The property at 30 School Street consists of 1,671 square feet of land in the MR2 zone containing a single-family dwelling of approximately 915 square feet. The applicant's proposal shows several additions to their existing nonconforming house intended to increase the usable living space.

The following review is based on plans and materials submitted to date as noted below.

- Site plan, with revised FAR calculations, by Durkee Brown Architects, dated 3/31/11
- Site plan, VTP Associates, surveyors, unsigned and unstamped, dated 9/16/10
- Architectural plans, Durkee Brown, architects, unsigned and unstamped, dated 3/4/11
 - A301 Elevations
 - A302 Elevations
 - A303 Elevations
 - AX201 Existing/Demolition Basement Plan
 - AX202 Existing/Demolition First Floor Plan
 - AX203 Existing/Demolition Second Floor Plan
 - A201 Proposed Basement Plan
 - A202 Proposed First Floor Plan

ADMINISTRATIVE DETERMINATIONS:

1. The property is in the MR2 zone and must comply with the dimensional standards of Section 30-15, Table 1 for a pre-1953 lot (see chart below).

MR2 Zone	Required/Allowed	Existing	Proposed
Lot Size	7,000 square feet	1,671 square feet	No change
Frontage	70 feet	31.4 feet	No change
Setbacks <ul style="list-style-type: none"> • Front • Side • Rear 	25 feet 7.5 feet 15 feet	7.2 feet 2.4 feet 10.9 feet	No change No change No change
FAR	.4	.55	.61
Building Height	30 feet	18.8 feet	No change
Maximum Stories	2.5	2	No change
Max. Lot Coverage	30%	40.1%	41.1%
Min. Open Space	50%	59%	58%

2. The applicant's plan shows a small 17 square foot addition to the southern corner of the structure. This addition extends the already nonconforming side and rear setbacks. The applicant also proposes adding a second-story gable over the one-story study/bathroom wing. This addition would extend the existing nonconforming side setbacks up to the second floor. To construct these additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
3. The applicant proposes to construct dormers along both sides of the house with one wrapping around onto the new second-story gable addition. Both sets of dormers are larger than the limit of 50% of the exterior wall of the floor below and both are closer than the required distance of three feet from the intersection of the roof and the main building end wall nearest the dormer. To construct the dormers as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-15(t)(1) and Section 30-15(t)(3)
4. The existing structure has a Floor Area Ratio (FAR) of .55, where .4 is allowed. The proposed additions would extend this nonconformity, increasing the FAR to .61. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
5. The existing structure has a lot coverage of 40.1% where 30% is allowed. The proposed additions would extend this nonconformity, increasing the lot coverage to 41.1%. To construct the additions as proposed, the applicant must obtain a special permit from the Board of Aldermen per Section 30-21(b).
6. See "Zoning Relief Summary" below:

Zoning Relief Required		
<i>Ordinance</i>	<i>Structure</i>	<i>Action Required</i>
§30-21(b)	Allow extension of a nonconforming structure in the side and rear setbacks	S.P. per §30-24
§30-15(t)(1); §30-15(t)(3)	Allow dormers wider than 50% of the wall below and closer than three feet from the end wall	S.P. per §30-24
§30-21(b)	Allow an increase in FAR	S.P. per §30-24
§30-21(b)	Allow an increase in nonconforming lot coverage	S.P. per §30-24

CITY OF NEWTON
ENGINEERING DIVISION

MEMORANDUM

To: Alderman Ted Hess-Mahan, Land Use Committee Chairman

From: John Daghljan, Associate City Engineer

Re: Special Permit – 30 School Street

Date: April 28, 2011

CC: Lou Taverna, PE City Engineer (via email)
Linda Finucane, Associate City Clerk (via email)
Eve Tapper, Chief Planner (via email)
Alexandria Ananth, Sr. Planner (via email)

In reference to the above site, I have the following comments for a plan entitled:

*Topographic Site Plan of Land
Showing Existing Conditions at 30 School Street
Newton, MA
Prepared by: VTP associates, Inc.
Dated: September 16, 2010*

Executive Summary:

The Engineering Division has no issues with this filing.

General:

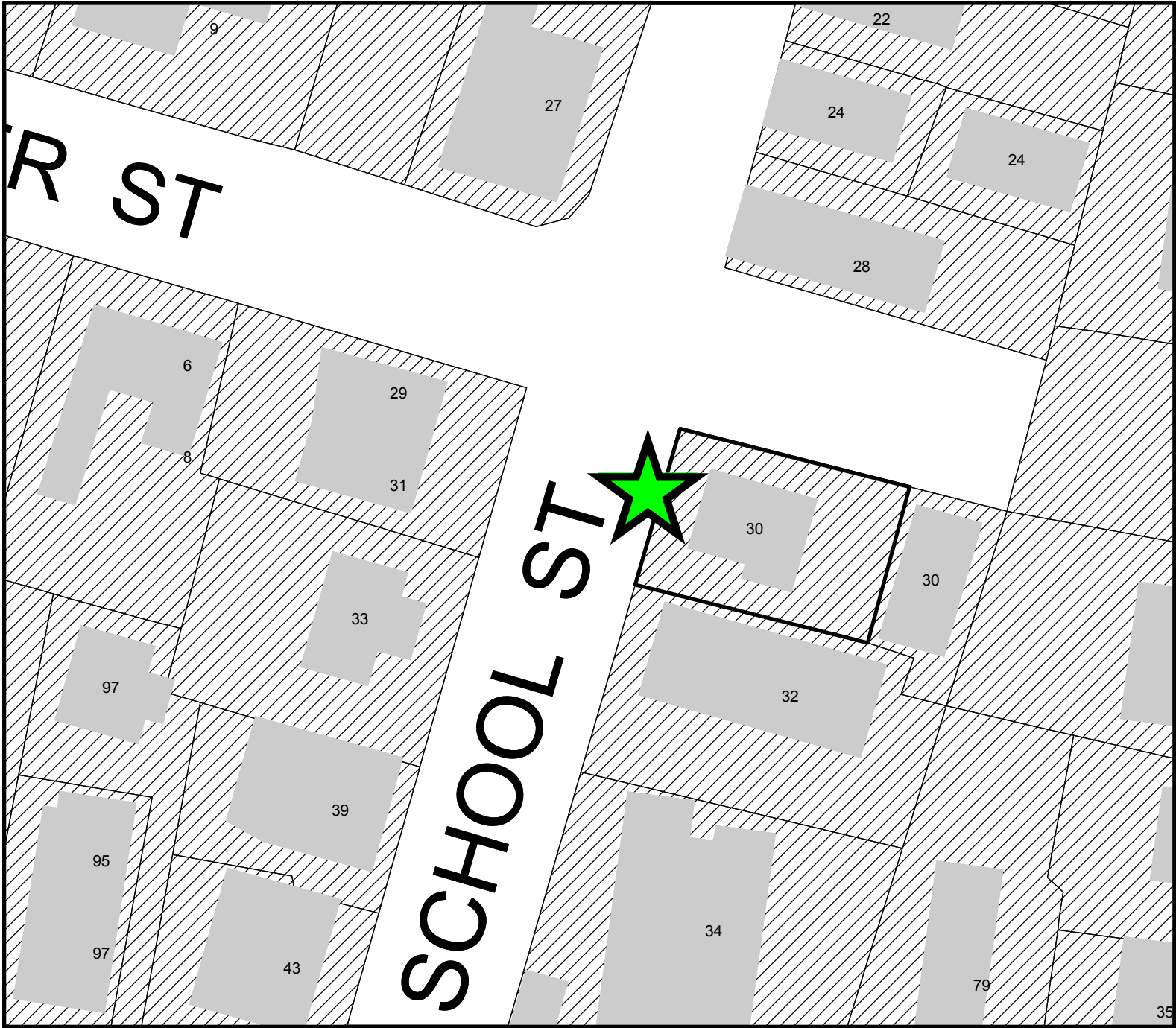
1. As of January 1, 2009, all trench excavation contractors shall comply with Massachusetts General Laws Chapter 82A, Trench Excavation Safety Requirements, to protect the general public from unauthorized access to unattended trenches. Trench Excavation Permit required. This applies to all trenches on public and private property. *This note shall be incorporated onto the plans.*
2. The applicant will have to apply for a Building Permits with the Department of Inspectional Service prior to any construction.
3. Prior to Occupancy permit being issued, an As-Built Plan shall be submitted to the Engineering Division in both digital format and in hard copy. The plan should show all utilities and final grades, any easements and final grading. *This note must be incorporated onto the site plan.*
4. If a Certificate of Occupancy is requested prior to all site work being completed, the applicant will be required to post a Certified Bank Check in the amount to cover the remaining work. The City Engineer shall determine the value of the uncompleted work. *This note must be incorporated onto the site plan.*

Note: If the plans are updated it is the responsibility of the Applicant to provide all City Departments [Conservation Commission, ISD, and Engineering] involved in the permitting and approval process with complete and consistent plans.

If you have any questions or concerns please feel free to contact me @ 617-796-1023.

Zoning Map

30 School St.

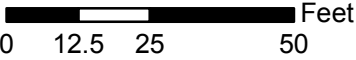


Legend

- 30 School Street
- MR2
- Building Outlines

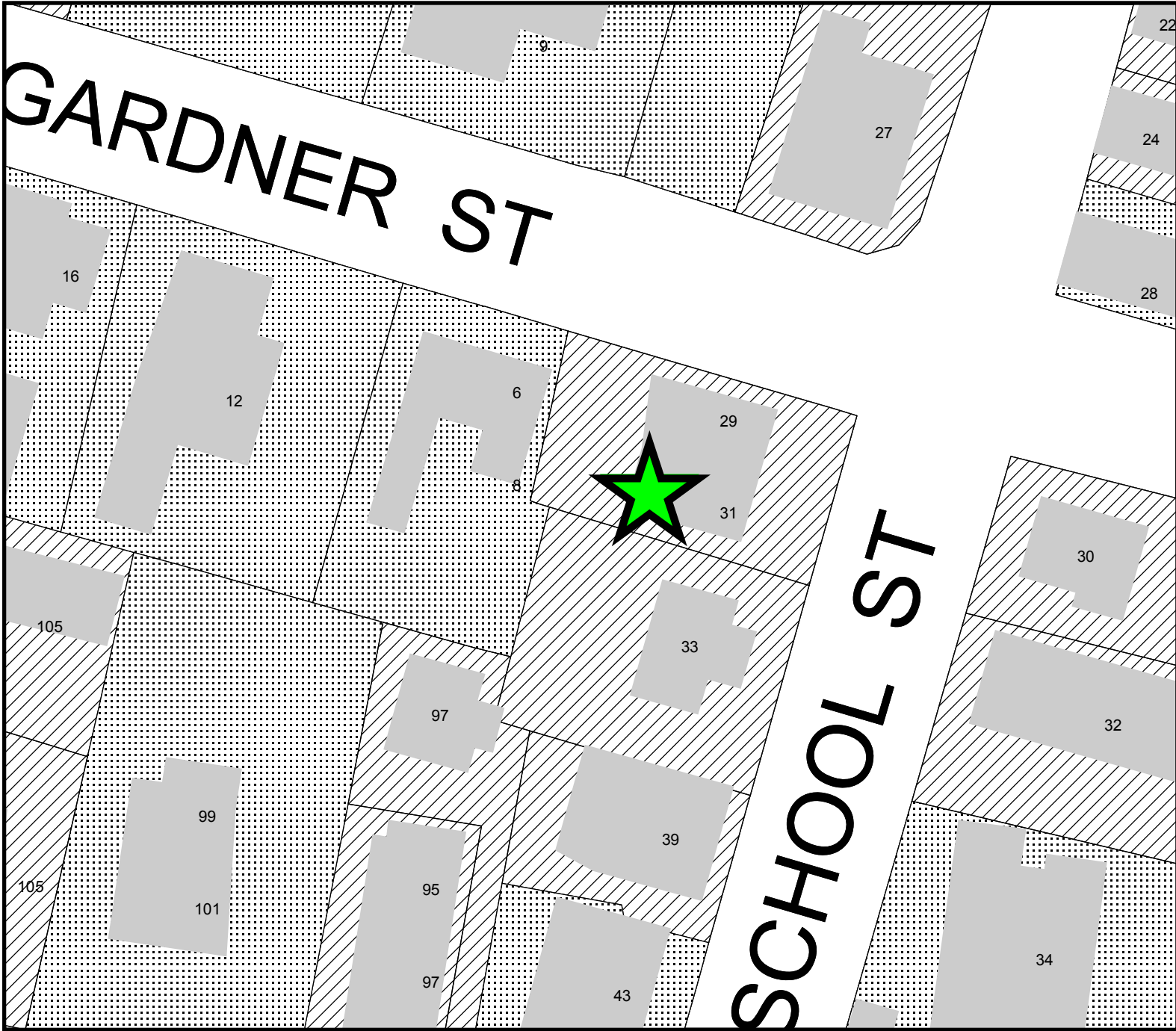


The information on this map is from the Newton Geographic Information System (GIS). The City of Newton cannot guarantee the accuracy of this information. Each user of this map is responsible for determining its suitability for his or her intended purpose. City departments will not necessarily approve applications based solely on GIS data.



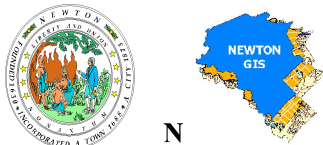
Land Use Map

30 School St.

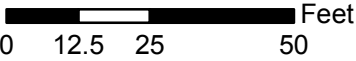


Legend

- 30 School Street
- Building Outlines
- Single Family Residential
- Multifamily Residential

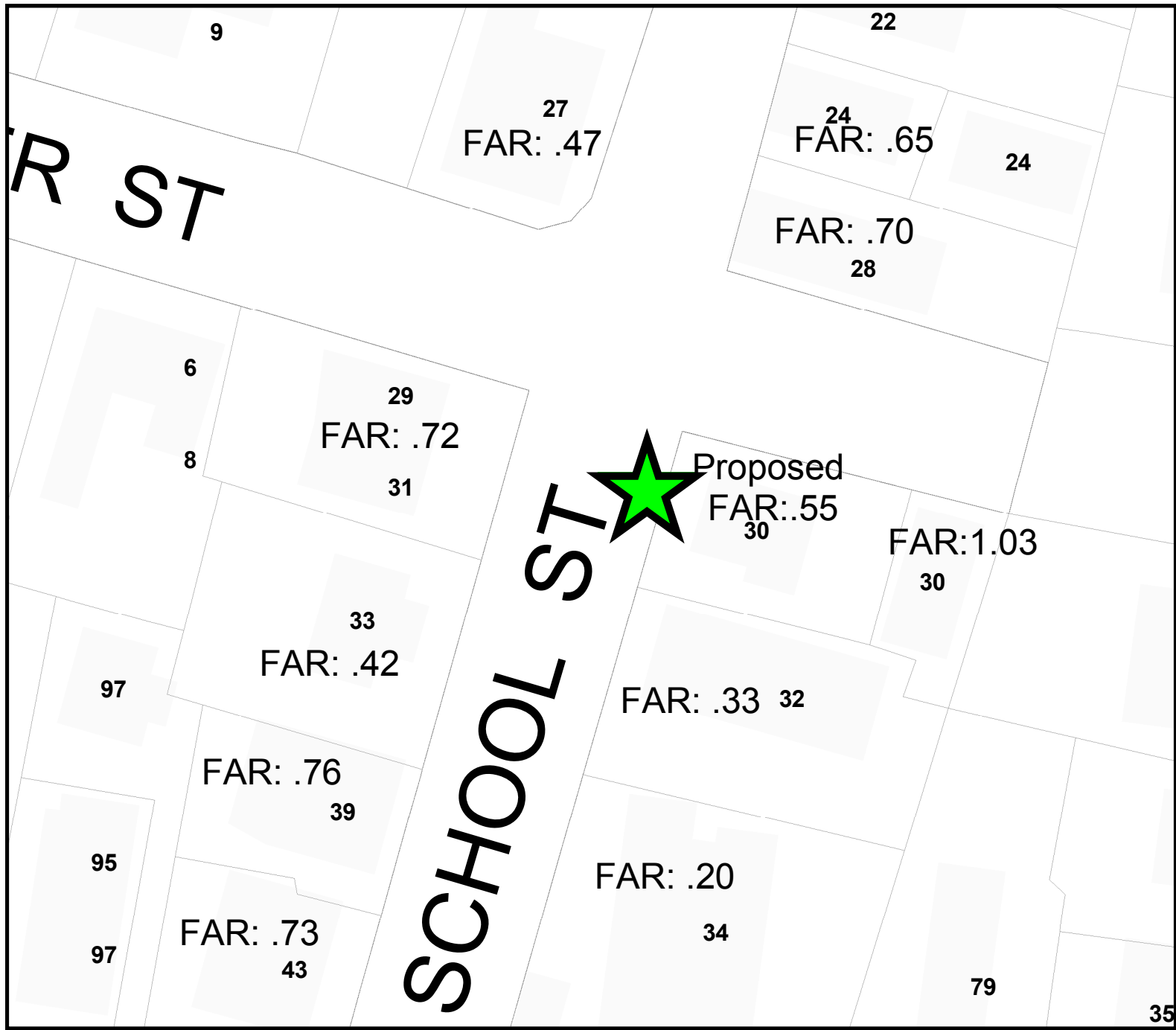


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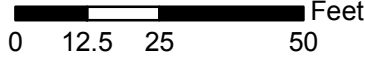


FAR Comparison Map

30 School St.



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DRAFT
#105-11

CITY OF NEWTON
IN BOARD OF ALDERMEN
May 23, 2011

ORDERED:

That the Board, finding that the public convenience and welfare will be substantially served by its action, that the use of the site will be in harmony with the conditions, safeguards and limitations set forth in the Zoning Ordinance, and that said action will be without substantial detriment to the public good, and without substantially derogating from the intent or purpose of the Zoning Ordinance, grants approval of the following SPECIAL PERMIT/SITE PLAN APPROVAL to EXTEND a NONCONFORMING STRUCTURE into the side and rear setbacks, to add dormer(s) wider than 50% of the walls below and closer than 3 ft. from the end walls, to increase the Floor Area Ratio to .61, and to increase the maximum lot coverage to 42.1%, as recommended by the Land Use Committee for the reasons given by the Committee through its Chairman Ted Hess-Mahan:

1. The proposed extension of a nonconforming structure will not be substantially more detrimental to the neighborhood than the existing structure for the following reasons:
 - a. The petitioner is simply squaring off an already nonconforming side and rear setback with a very modest addition.
 - b. Increasing the already nonconforming FAR from .55 to .61 (where an FAR of .4 is allowed by right) is appropriate in this neighborhood context, as the house will remain consistent with and not in derogation of the size, scale and design of other structures in the surrounding neighborhood.
 - c. Increasing the already nonconforming lot coverage will not be in derogation of the size, scale and design of other lots in the surrounding neighborhood.
2. The 2007 *Newton Comprehensive Plan* encourages preservation of existing residential neighborhoods and encourages modestly-sized additions to preserve the character of existing neighborhoods while allowing occupants the flexibility to meet the housing needs of today's families. The proposed additions have been designed in keeping with the style of the house, will not overwhelm the lot as viewed from the street, and will help preserve this small workers cottage by making it more livable.

PETITION NUMBER: #105-11

PETITIONER: Sarah F. Brown

LOCATION: 30 School Street, Section 11, Block 25, Lot 32 containing approximately 1,671 sq. ft. of land

OWNER: Sarah F. Brown

ADDRESS OF OWNER: 30 School Street, Newton, MA 02458

TO BE USED FOR: Single-family residence

CONSTRUCTION: Wood-frame

EXPLANATORY NOTES: §30-21(b), for the extension of a nonconforming structure in the side and rear setbacks, for an increase in FAR, and for an increase in nonconforming lot coverage; § 30-23, for site plan approval; § 30-24, for approval of special permits

ZONING: Multi-Residence 2 District

Approved subject to the following conditions:

1. All buildings, parking areas, driveways, walkways, landscaping and other site features associated with this special permit/site plan approval shall be located and constructed consistent with:
 - To be inserted
2. No building permit shall be issued pursuant to this special permit/site plan approval until the petitioner has:
 - a. recorded a certified copy of this board order for the approved special permit/site plan with the Registry of Deeds for the Southern District of Middlesex County.
 - b. filed a copy of such recorded board order with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development.
 - c. obtained a written statement from the Planning Department that confirms the building permit plans are consistent with plans approved in Condition #1.
3. No occupancy permit for the use covered by this special permit/site plan approval shall be issued until the petitioner has:
 - a. filed with the City Clerk, the Department of Inspectional Services, and the Department of Planning and Development a statement by a registered architect or engineer certifying compliance with Condition #1.
 - b. submitted to the Department of Inspectional Services, and the Department of Planning and Development final as-built plans in digital and paper format.